

# EXHIBIT 1



**Service of Process  
Transmittal**

03/26/2021

CT Log Number 539280440

**TO:** Richard Schwartz  
Veritas Strategic Partners LTD  
15 W 72ND ST STE 23-S  
NEW YORK, NY 10023-3402

**RE: Process Served in Delaware**

**FOR:** Clearview AI, Inc. (Domestic State: DE)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** STEVEN RENDEROS, ET AL., PLTFS. vs. Clearview AI, Inc., ET AL., DFTS.  
**DOCUMENT(S) SERVED:** -  
**COURT/AGENCY:** None Specified  
Case # RG21091138  
**ON WHOM PROCESS WAS SERVED:** The Corporation Trust Company, Wilmington, DE  
**DATE AND HOUR OF SERVICE:** By Process Server on 03/26/2021 at 16:09  
**JURISDICTION SERVED :** Delaware  
**APPEARANCE OR ANSWER DUE:** None Specified  
**ATTORNEY(S) / SENDER(S):** None Specified  
**ACTION ITEMS:** SOP Papers with Transmittal, via UPS Next Day Air , 1ZX212780132627132  
**REGISTERED AGENT ADDRESS:** The Corporation Trust Company  
1209 Orange Street  
Wilmington, DE 19801  
877-467-3525  
SmallBusinessTeam@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

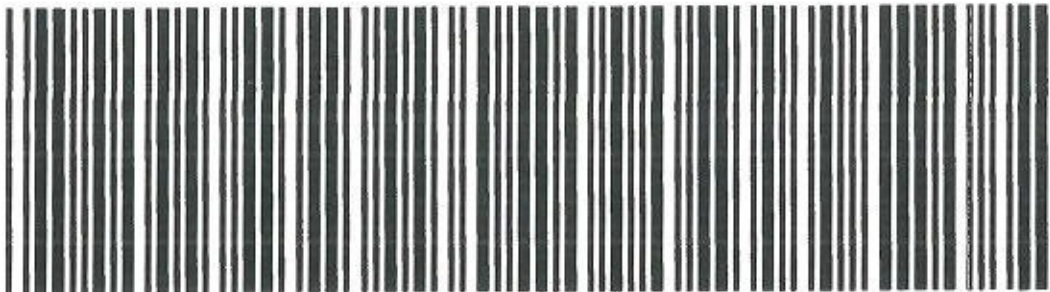


## PROCESS SERVER DELIVERY DETAILS

**Date:** Fri, Mar 26, 2021

**Server Name:** Mark Trimble

Entity Served	CLEARVIEW AI, INC.
Agent Name	THE CORPORATION TRUST COMPANY
Case Number	RG21091138
Jurisdiction	DE



Fax Server

3/22/2021 9:41:48 AM PAGE 1/001 Fax Server

From: Samuel Ridge

Fax: 3415590210

To:

Fax: (510) 267-1646

Page: 2 of 2

03/18/2021 1:19 PM

**SUMMONS  
(CITACION JUDICIAL)**

SUM-100

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)**NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):**  
CLEARVIEW AI, INC., and DOES 1-10,**FILED BY FAX**  
ALAMEDA COUNTY

March 18, 2021

CLERK OF  
THE SUPERIOR COURT  
By Lynn Wiley, Deputy**YOU ARE BEING SUED BY PLAINTIFF:  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

STEVEN RENDEROS, VALERIA THAIS SUÁREZ ROJAS, REYNA MALDONADO, LISA KNOWLTON, MIJENTE SUPPORT COMMITTEE, and NORCAL RESIST FUND.

**NOTICE:** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que lo quedó más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte lo podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es): Superior Court of California, County of Alameda  
René C. Davidson Courthouse, 1225 Fallon Street, Oakland, CA 94612

CASE NUMBER: (Número del Caso):

RC210013838

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Ellen V. Leonida, Esq.; BraunHagey &amp; Borden LLP, 351 California Street, Tenth Floor, San Francisco, CA 94104; (415) 599-0210

DATE:

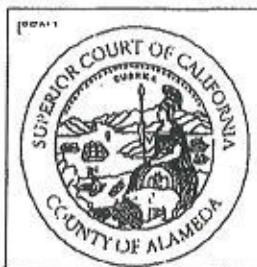
(Fecha) March 18, 2021

Clerk (Secretario)

Deputy  
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

**NOTICE TO THE PERSON SERVED:** You are served

- ☐ as an individual defendant.
- ☐ as the person sued under the fictitious name of (specify):
- ☒ on behalf of (specify): CLEARVIEW AI, INC.  
under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)  
☐ other (specify):
- ☐ by personal delivery on (date):

CT Corp



Fax Server

3/9/2021 4:22:48 PM PAGE 1/001 Fax Server

From: Samuel Ridge

Fax: 34155990210

To:

Fax: (510) 267-1546

Page: 26 of 27

03/09/2021 7:50 AM

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Ellen V. Leonida, Esq. (SBN: 184194); Matthew Borden, Esq. (SBN: 214323) BRAUNHAGEY & BORDEN LLP 351 California Street, 10th Floor San Francisco, CA 94104 TELEPHONE NO.: (415) 599-0210 FAX NO.: (415) 599-0210 ATTORNEY FOR (Name): Plaintiffs Steven Renderos, et al.		FOR COURT USE ONLY  <b>FILED BY FAX</b> ALAMEDA COUNTY  March 09, 2021  CLERK OF THE SUPERIOR COURT By Xian-xli Bowie, Deputy  CASE NUMBER: <b>RG21091138</b>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF <b>ALAMEDA</b> STREET ADDRESS: 1225 Fallon Street MAILING ADDRESS: 1225 Fallon Street CITY AND ZIP CODE: Oakland, CA 94612 BRANCH NAME: René C. Davidson Courthouse		
CASE NAME: <b>Steven Renderos, et al. v. Clearview AI, Inc., et al.</b>		
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$25,000) <input type="checkbox"/> <b>Limited</b> (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> <b>Counter</b> <input type="checkbox"/> <b>Joinder</b> Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
		CASE NUMBER:  JUDGE:  DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) <b>Non-PI/PD/WD (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) <b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (09) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <b>Real Property</b> <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation</b> (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (20) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input checked="" type="checkbox"/> Other complaint (not specified above) (42) <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
--	--	--

2. This case ☒ is ☐ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- a. ☐ Large number of separately represented parties d. ☒ Large number of witnesses
- b. ☒ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- c. ☒ Substantial amount of documentary evidence f. ☒ Substantial postjudgment judicial supervision
3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary: declaratory or injunctive relief c. ☒ punitive
4. Number of causes of action (specify): 3; CL Appropriation of Likeness; CA Constitution art. 1, § 1; et seq.
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: March 9, 2021  
 Ellen Leonida

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

## NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

Form Adopted for Mandatory Use  
 Judicial Council of California  
 CM-010 (Rev. July 1, 2007)

## CIVIL CASE COVER SHEET

Cal. Rules of Court, rules 3.30, 3.220, 3.400-3.403, 3.740;  
 Cal. Standards of Judicial Administration, eff. 3.10  
[www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)

American LegalNet, Inc.  
[www.FormsWorkflow.com](http://www.FormsWorkflow.com)

Leonida, Ellen  
351 California Street  
Tenth Floor  
San Francisco, CA 94104

Clearview AI, LLC

**Superior Court of California, County of Alameda  
Rene C. Davidson Alameda County Courthouse**

Renderos

Plaintiff/Petitioner(s)

VS.

Clearview AI, LLC

Defendant/Respondent(s)

(Abbreviated Title)

No. RG21091138

**NOTICE OF HEARING**

To each party or to the attorney(s) of record for each party herein:

Notice is hereby given that the above-entitled action has been set for:

Complex Determination Hearing  
Case Management Conference

You are hereby notified to appear at the following Court location on the date and time noted below:

**Complex Determination Hearing:**

DATE: 04/21/2021 TIME: 09:00 AM DEPARTMENT: 21

LOCATION: Administration Building, Fourth Floor  
1221 Oak Street, Oakland

**Case Management Conference:**

DATE: 05/20/2021 TIME: 09:00 AM DEPARTMENT: 21

LOCATION: Administration Building, Fourth Floor  
1221 Oak Street, Oakland

Pursuant to California Rules of Court, Rule 3.400 et seq. and Local Rule 3.250 (Unified Rules of the Superior Court, County of Alameda), the above-entitled matter is set for a Complex Litigation Determination Hearing and Initial Complex Case Management Conference.

Department 21 issues tentative rulings on DomainWeb ([www.alameda.courts.ca.gov/domainweb](http://www.alameda.courts.ca.gov/domainweb)). For parties lacking access to DomainWeb, the tentative ruling must be obtained from the clerk at (510) 267-6937. Please consult Rule 3.30(c) of the Unified Rules of the Superior Court, County of Alameda, concerning the tentative ruling procedures for Department 21.

Counsel or party requesting complex litigation designation is ordered to serve a copy of this notice on all parties omitted from this notice or brought into the action after this notice was mailed.

All counsel of record and any unrepresented parties are ordered to attend this Initial Complex Case Management Conference unless otherwise notified by the Court.

Failure to appear, comply with local rules or provide a Case Management Conference statement may result in sanctions. Case Management Statements may be filed by E-Delivery, by submitting directly to the E-Delivery Fax Number (510) 267-5732. No fee is charged for this service. For further information, go to Direct Calendar Departments at



<http://apps.alameda.courts.ca.gov/domainweb>.

All motions in this matter to be heard prior to Complex Litigation Determination Hearing must be scheduled for hearing in Department 21.

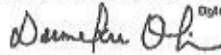
If the information contained in this notice requires change or clarification, please contact the courtroom clerk for Department 21 by e-mail at [Dept21@alameda.courts.ca.gov](mailto:Dept21@alameda.courts.ca.gov) or by phone at (510) 267-6937.

TELEPHONIC COURT APPEARANCES at Case Management Conferences may be available by contacting CourtCall, an independent vendor, at least 3 business days prior to the scheduled conference. Parties can make arrangements by calling (888) 882-6878, or faxing a service request form to (888) 883-2946. This service is subject to charges by the vendor.

Dated: 03/15/2021

Chad Finke Executive Officer / Clerk of the Superior Court

By

 Digit

Deputy Clerk

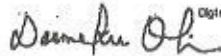
---

**CLERK'S CERTIFICATE OF MAILING**

I certify that the following is true and correct: I am the clerk of the above-named court and not a party to this cause. I served this Notice by placing copies in envelopes addressed as shown hereon and then by sealing and placing them for collection, stamping or metering with prepaid postage, and mailing on the date stated below, in the United States mail at Alameda County, California, following standard court practices.

Executed on 03/16/2021.

By

 Digit

Deputy Clerk

Fax Server

3/9/2021 4:22:34 PM PAGE 1/001 Fax Server

From: Samuel Ridge

Fax: 14155990210

To:

Fax: (510) 267-1546

Page: 2 of 27

03/09/2021 7:50 AM

## FILED BY FAX

ALAMEDA COUNTY

March 09, 2021

CLERK OF  
THE SUPERIOR COURT  
By Xian-xli Bowle, Deputy

CASE NUMBER:

RG21091138

1 Ellen V. Leonida, Esq. (SBN: 184194)  
leonida@braunhagey.com  
 2 Matthew Borden, Esq. (SBN: 214323)  
borden@braunhagey.com  
 3 J. Noah Hagey, Esq. (SBN: 262331)  
hagey@braunhagey.com  
 4 Athul K. Acharya, Esq. (SBN: 315923)  
acharya@braunhagey.com  
 5 Gunnar K. Martz, Esq. (SBN: 300852)  
martz@braunhagey.com  
 6 BRAUNHAGEY & BORDEN LLP  
 351 California Street, Tenth Floor  
 7 San Francisco, CA 94104  
 Telephone: (415) 599-0210  
 8 Facsimile: (415) 599-0210  
 9 Sejal R. Zota (*pro hac vice* application forthcoming)  
sejal@justfutureslaw.org  
 10 Dinesh McCoy (*pro hac vice* application forthcoming)  
dincsh@justfutureslaw.org  
 11 JUST FUTURES LAW  
 95 Washington Street, Suite 104-149  
 12 Canton, MA 02021  
 Telephone: (919) 698-5015  
 13  
 14 Attorneys for PLAINTIFFS STEVEN  
 RENDEROS, VALERIA THAIS SUÁREZ  
 15 ROJAS, REYNA MALDONADO, LISA  
 KNOX, MIJENTE SUPPORT  
 16 COMMITTEE, and NORCAL RESIST  
 FUND  
 17

## SUPERIOR COURT OF THE STATE OF CALIFORNIA

## COUNTY OF ALAMEDA

21 STEVEN RENDEROS, VALERIA THAIS  
 SUÁREZ ROJAS, REYNA MALDONADO,  
 22 LISA KNOX, MIJENTE SUPPORT  
 COMMITTEE, and NORCAL RESIST FUND,  
 23

Plaintiffs,

v.

25 CLEARVIEW AI, INC., and DOES 1-10,  
 26

Defendants.  
 27  
 28

Case No. \_\_\_\_\_

COMPLAINT

JURY TRIAL DEMANDED

Case No. \_\_\_\_\_

COMPLAINT



1 Plaintiffs Steven Renderos, Valeria Thais Suárez Rojas, Reyna Maldonado, Lisa Knox,  
2 Mijente Support Committee, and NorCal Resist Fund allege as follows:

### 3 INTRODUCTION

4 1. Plaintiffs are two community-based organizations and four political activists. They  
5 bring this action under California law to enjoin Defendant Clearview AI, Inc. ("Clearview") from  
6 illegally acquiring, storing, and selling their likenesses, and the likenesses of millions of  
7 Californians, in its quest to create a cyber surveillance state.

8 2. Defendant Clearview is a company with ties to alt-right and white supremacist  
9 organizations. Clearview has built the most dangerous facial recognition database in the nation by  
10 illicitly collecting over three billion photographs of unsuspecting individuals. Clearview's database  
11 is almost seven times the size of the FBI's. Clearview has provided thousands of governments,  
12 government agencies, and private entities access to its database, which they can use to identify  
13 people with dissident views, monitor their associations, and track their speech. As expressly  
14 intended by Clearview's creators and early investors, its mass surveillance technology  
15 disproportionately harms immigrants and communities of color.

16 3. Clearview built its database by violating the privacy rights of Plaintiffs and all  
17 California residents and making commercial use of their likenesses. Clearview illicitly gathers,  
18 copies, and saves images by "scraping" them from websites, like Facebook, Twitter, and Venmo.  
19 Clearview persists despite having received multiple requests to stop this practice, which violates  
20 many of the websites' terms of service and the contracts between the sites and their users.

21 4. After obtaining these images, Clearview uses algorithms to extract the unique facial  
22 geometry of each individual depicted in the images, creating a purported "faceprint" that serves as  
23 a key for recognizing that individual in other images, even in photographs taken from different  
24 angles. Clearview's "faceprints" rely on an individual's immutable biological characteristics—for  
25 example, the position, size, and shape of the eyes, nose, cheekbones, and jaw—to purportedly  
26 capture their biometric signature.

27 5. Clearview's end product is facial recognition technology that claims to enable its  
28 users to identify virtually anyone simply by uploading a photograph. Users can photograph a

1 stranger at a political rally or house of worship, upload the photo to Clearview's database, and  
2 instantly see other photographs of the same person linked to various social media platforms and  
3 websites. The websites often describe the person's address, employment information, political  
4 affiliations, religious activities, and familial and social relationships, among other sensitive  
5 information. With Clearview, users can access all this information on their phones with the tap of a  
6 finger. Clearview's portable surveillance technology thus provides instantaneous access to almost  
7 every aspect of our digital lives.

8         6. Clearview has licensed its database to governments around the world, large-scale  
9 retailers, and law enforcement agencies throughout the United States. According to news reports,  
10 by February 2020, people associated with 2,228 companies, law enforcement agencies, and other  
11 institutions had collectively performed nearly 500,000 searches of Clearview's faceprint database.  
12 In August 2020, Clearview's CEO bragged that over 2,400 police agencies were using Clearview.

13         7. Clearview has been banned internationally. Canada has asked Clearview to remove  
14 the faces of Canadian residents from its database, because "what Clearview does is mass  
15 surveillance"—putting all Canadians "continually in a police lineup."<sup>1</sup> Similarly, the European  
16 Union recently found, after an 11-month investigation, that Clearview's practices violate its  
17 General Data Protection Regulations.

18         8. Multiple municipalities and law enforcement agencies in the United States have also  
19 banned Clearview and other facial recognition technology, in part because of the potential for  
20 abuse, false positives, and image manipulation. Studies have found empirical evidence of racial,  
21 gender, and age bias in facial recognition technology—with Asian people and African Americans  
22 100 times more likely to be misidentified than white men.

23         9. Nonetheless, Clearview continues to sell access to its database to California police  
24 agencies and U.S. Immigration and Customs Enforcement (ICE). This is not happenstance; one  
25 person who helped build Clearview stated in 2017 that the purpose of the technology was to "ID all  
26 the illegal immigrants for the deportation squads." ICE can deploy Clearview's technology even in

27  
28 <sup>1</sup> Kashmir Hill, *Clearview AI's Facial Recognition App Called Illegal in Canada*, N.Y. TIMES, (Feb. 3, 2021), <https://www.nytimes.com/2021/02/03/technology/clearview-ai-illegal-canada.html>.



1 cities and counties that have banned the use of facial recognition technology, including multiple  
2 cities in Alameda County.

3 10. Plaintiffs are activists, including immigrants, who have engaged in political speech  
4 critical of the police, ICE, and immigration policy in both their personal and professional  
5 capacities. Plaintiffs Mijente Support Committee (“Mijente”) and NorCal Resist Fund (“NorCal  
6 Resist”) are two immigrant rights, membership-based organizations representing the interests of  
7 thousands of California residents. The ability to control their likenesses and biometric identifiers—  
8 and to continue to engage in political speech critical of the police and immigration policy, free  
9 from the threat of clandestine and invasive surveillance—is vital to Plaintiffs, their members, and  
10 their missions.

#### 11 PARTIES

##### 12 A. Plaintiffs

13 11. Plaintiff Steven Renderos (“Plaintiff Renderos”) is a resident of Alameda County  
14 and the Executive Director of the Center for Media Justice, a grassroots organization fighting for  
15 racial, economic, and gender justice in a digital age. The Center for Media Justice has recently  
16 focused on challenging the use of invasive technology in the context of policing and the criminal  
17 legal system, as well as ensuring that people of color have the communications tools to amplify  
18 their voices effectively. Plaintiff Renderos has worked with the Center for Media Justice for almost  
19 nine years, and his role includes developing strategy for Media Justice’s programmatic work.  
20 Plaintiff Renderos frequently uses social media for both personal and professional purposes and has  
21 public-facing Facebook and Twitter accounts where he frequently expresses his views for the  
22 purposes of political and policy advocacy. Plaintiff Renderos is frequently critical of police and  
23 ICE practices in both his personal and professional capacity, and he has been a public advocate on  
24 the importance of limiting the use of surveillance technology by law enforcement. On information  
25 and belief, Clearview has captured Plaintiff Renderos’ biometric data and stored it in its faceprint  
26 database. Plaintiff Renderos has never consented to having Clearview collect or use his image or  
27 biometric data.



1           12. Plaintiff Valeria Thais Suárez Rojas ("Plaintiff Suárez") is a resident of Alameda  
2 County and formerly worked as the Youth Organizer at California Immigrant Youth Justice  
3 Alliance (CIYJA), where they were a vocal advocate on behalf of immigrant rights. They continue  
4 to work on immigrant rights issues in the Bay Area. Plaintiff Suárez is an immigrant themselves, and  
5 has engaged in political speech critical of the police, ICE, immigration policy, and government  
6 entities. Plaintiff Suárez has uploaded photos of themselves on several social media platforms  
7 including Twitter, Instagram, Facebook, and Venmo. They have included pictures of themselves with  
8 their friends and family on these platforms, and their friends and family have also posted pictures  
9 including Plaintiff Suárez. They frequently use their social media accounts as activism tools, and  
10 post content related to their political views on these platforms. Specifically, Plaintiff Suárez has  
11 used their social media accounts to criticize ICE and raise money for community members recently  
12 released from detention, among other political and organizing-based messages. Plaintiff Suárez  
13 made their social media accounts private in early 2020. While they occasionally make their  
14 accounts public to support fundraising campaigns, the accounts usually remain private. However,  
15 others have continued to post photos of Plaintiff Suárez on social media platforms. On information  
16 and belief, Clearview has captured their biometric data and stored it in its faceprint database,  
17 including images of their face that are no longer publicly accessible. Plaintiff Suárez has never  
18 consented to Clearview collecting or using their image or their biometric data.

19           13. Plaintiff Lisa Knox ("Plaintiff Knox") is a resident of Alameda County and Legal  
20 Director of the California Collaborative for Immigrant Justice, where she works to create and  
21 support strategies to fight for the liberation of immigrants in detention through direct  
22 representation, litigation, and advocacy. Previously, Plaintiff Knox was a managing attorney at  
23 Centro Legal de la Raza, where she helped found and manage the detained representation project.  
24 Plaintiff Knox oversaw emergency legal services for Alameda County's rapid response network  
25 and managed legal clinics at two California detention centers. Plaintiff Knox participates in and  
26 often speaks at demonstrations critical of ICE and the police. Plaintiff Knox has used several social  
27 media platforms including Twitter, Instagram, Facebook, and Venmo, and she has uploaded photos  
28 of herself, including photographs of herself with friends and family, on these platforms. Plaintiff

1 Knox frequently uses her social media accounts as activism tools and has posted content critical of  
2 police and ICE. On information and belief, Clearview has captured her biometric data and stored it  
3 in its faceprint database. Plaintiff Knox has never consented to Clearview collecting or using her  
4 image or biometric data.

5 14. Plaintiff Reyna Maldonado ("Plaintiff Maldonado") is currently a business owner in,  
6 and resident of, Oakland, California. Plaintiff Maldonado formerly worked as an immigrant rights  
7 community organizer. Plaintiff Maldonado is an immigrant who has deferred action as a result of  
8 the Deferred Action for Childhood Arrivals (DACA) program. As an organizer, she worked in  
9 coalitions to support undocumented youth in the Bay Area, including by supporting housing and  
10 employment efforts and by promoting mental health resources for undocumented organizers.  
11 Plaintiff Maldonado frequently uses social media both for personal and business purposes. Plaintiff  
12 Maldonado currently owns a restaurant, and uses social media to help advertise the business and  
13 share updates with customers. While her personal accounts are private, she has at times loosened  
14 the privacy restrictions. Plaintiff Maldonado has used these accounts as an activism tool, posting  
15 about political issues related to immigrant rights advocacy, posting in support of the Black Lives  
16 Matter movement, and speaking out against police and ICE practices. On information and belief,  
17 Clearview has captured her biometric data and stored it in its faceprint database. Plaintiff  
18 Maldonado has never consented to Clearview collecting or using her image or biometric data.

19 15. Plaintiff NorCal Resist, a California corporation, is a grassroots, membership-based  
20 organization working to equip impacted communities with the tools needed to fight immigration  
21 injustice. Plaintiff NorCal Resist has a significant interest in ensuring that immigrant and activists'  
22 rights are respected and upheld, including their rights to safety and privacy. Plaintiff NorCal Resist  
23 hosts Know Your Rights trainings relating to direct actions and navigating encounters with ICE and  
24 police, assists with rapid response to support local residents targeted in immigration enforcement  
25 actions, and has a bail fund that supports community members arrested in racial justice protests or  
26 for immigration-related charges. Plaintiff NorCal Resist has close to 7,000 members throughout  
27 Northern California, including more than 200 members in Alameda County. Members support the  
28 organization by donating money and volunteering to support local actions and events, and members



1 vote on the leadership of the organization. NorCal Resist members have been critical of ICE,  
2 immigration policy, and policing tactics, and they have expressed concern through both their  
3 conduct and speech in relation to their work with Plaintiff NorCal Resist. On information and  
4 belief, the biometric information and identifiers of many members of Plaintiff NorCal Resist have  
5 been, and will continue to be, captured in Clearview's database without their consent. Clearview's  
6 practices pose a threat to Plaintiff NorCal Resist's members by divesting them of the power to  
7 control their biometric identifiers, and by chilling their ability to exercise various constitutional  
8 rights—including the right to protest and to travel—without being instantaneously identified and  
9 tracked.

10 16. Plaintiff Mijente, an Arizona corporation, is a national digital and grassroots hub for  
11 Latinx and Chicanx movement building and organizing that seeks to increase the profile of policy  
12 issues that matter to its communities and increase the participation of Latinx and Chicanx people in  
13 the broader movements for racial, economic, climate, and gender justice. Plaintiff Mijente  
14 organizes around surveillance issues in the immigrant community, particularly in the face of  
15 increasing technological capabilities of corporations and the government, and has a significant  
16 interest in halting data sharing practices that result in the arrest, detention, and deportation of  
17 immigrants. Mijente has more than 300 members in California and 50 in Alameda County, many of  
18 whom have, at times, uploaded their photos to various internet-based platforms and websites, and  
19 have engaged in political speech that could be considered critical of the police, ICE, immigration  
20 policy, and government entities. Plaintiff Mijente's members have specifically criticized law  
21 enforcement's use of surveillance technology to police immigrant communities. These members  
22 use their accounts as an activism tool, and on information and belief, their biometric information  
23 and identifiers have been, and will continue to be, captured in Clearview's database without their  
24 consent. Clearview's practices pose a threat to Plaintiff Mijente's members by divesting them of  
25 the power to control their biometric identifiers, and by chilling their ability to exercise various  
26 constitutional rights—including the right to protest and to travel—without being instantaneously  
27 identified and tracked.

28



17. Plaintiffs Suárez, Knox, Maldonado, and Renderos, as well as members of Plaintiffs NorCal Resist and Mijente, did not consent to have their biometric data harvested by Clearview, did not understand that their biometric data could or would be obtained by Clearview or anyone else when they posted images of themselves and their friends, families and associates, and have suffered multiple injuries as a result of Clearview's actions, including, without limitation: expenditure of resources in understanding the extent of Clearview's misappropriation of their and their members' identities, images, likenesses, and biometric data; loss of their property rights in their own identities, images, likenesses, and biometric data; mental anguish as a result of the invasion of their privacy; and fear that they and their communities and families will be targeted for their political speech, associations, affiliations, and/or immigration status.

#### 11 B. Defendant

18. Defendant Clearview AI, Inc., is a Delaware corporation with its principal place of business in New York, NY. Clearview conducts business throughout the State of California. On information and belief, Clearview was founded by Hoan Ton-That (far right, below) and Richard Schwartz, a former aide to Rudy Giuliani, Esq.



19. Clearview founder Hoan Ton-That, as well as several people associated with Clearview, have a history of longstanding ties to the alt-right, a far-right ideology based on the belief that white identity is under attack. Persons with ties to Clearview include "pizzagate" conspiracy theorist Mike Cernovich; neo-Nazi hacker and *The Daily Stormer* webmaster, Andrew Auernheimer; former chief technology officer of Business Insider who marched with neo-Nazis in

1 Charlottesville, Virginia, Pax Dickinson; and former Breitbart writer, Charles Johnson. In a  
2 Facebook post, Johnson described "building algorithms to ID all the illegal immigrants for the  
3 deportation squad," likely referring to Smartcheckr, Defendant's name before being rebranded to  
4 "Clearview." Marko Jukic is a former Clearview employee whose job included pitching Clearview  
5 to law enforcement agencies. In 2015, he wrote that he "wholeheartedly endorse[s] racism,  
6 racialism, ethnocentrism, Islamophobia, Eurocentrism and anti-Semitism." Writing under a  
7 pseudonym, Jukic described diversity and equality as "indisputably corrosive to civilization," and  
8 said that "violence most definitely is the answer."

9       20. Clearview has registered as a data broker in the State of California. It has sold  
10 licenses to policing agencies such as the El Segundo and Antioch Police Departments. It promotes  
11 and markets its faceprint database throughout the State of California, in part by offering trial use.  
12 The Los Angeles Police Department, Long Beach Police Department, San Diego Police  
13 Department, San Diego District Attorney's Office, Orange County Sheriff's Office, and San Mateo  
14 Sheriff's Office have all used Clearview on a trial basis. Additionally, Clearview engages in the  
15 widespread collection of California residents' images and biometric information without notice or  
16 consent. On information and belief, Clearview illicitly scrapes images of thousands of people from  
17 websites and platforms owned and operated by California-based companies, such as Facebook.

18       21. Does 1-10 are individuals who have participated in, and/or aided and abetted  
19 Clearview in the unlawful acts set forth herein.

#### 20                                   **JURISDICTION AND VENUE**

21       22. The Court has personal jurisdiction over Clearview pursuant to California Code of  
22 Civil Procedure § 410.10 because Clearview conducts business transactions in California; has  
23 intentionally availed itself of the laws and markets of California through the use, promotion, sale,  
24 marketing, and/or distribution of its products and services at issue in this Complaint; unlawfully  
25 acquires and profits from the biometric data of California residents; has committed unlawful acts  
26 arising from and related to its conduct and activity in California complained of in this complaint;  
27 and has committed unlawful acts expressly aimed at California residents from which this action  
28 arises.



23. Venue is proper in Alameda County pursuant to California Code of Civil Procedure § 395.5 because Plaintiffs' injuries occurred in Alameda County and Defendant Clearview is a foreign corporation within the meaning of California Corporations Code § 171 but has not registered a principal place of business with the California Secretary of State.

### **FACTUAL ALLEGATIONS**

#### **I. DEFENDANT CLEARVIEW'S FACIAL RECOGNITION TECHNOLOGY**

##### **A. How Clearview Constructs Its Illegal Database**

24. To build its database, Clearview illicitly scrapes images of millions of people from hundreds of websites including Facebook, Twitter, LinkedIn, Venmo, employment sites, and news sites. Scraping is the process of using automated computer software to gather and copy data from websites on the internet into a database for further retrieval and analysis. To date, Clearview purportedly has scraped more than three billion images of human faces, which the company then stores in its database.

25. At no point does Clearview attempt to inform the individuals whose likenesses Clearview acquires that Clearview is collecting and gathering their images. It does not obtain those individuals' consent. Clearview also does not notify individuals that it may be breaching websites' terms of service to scrape, store, and use the individuals' images. Nor does Clearview seek their consent to do so.

26. Clearview also scrapes images of people that were uploaded without their knowledge or consent, including images posted by friends or relatives and even images of people who inadvertently appear in the backgrounds of photographs taken by strangers. In those instances, the individual consents neither to having her image uploaded nor to Clearview scraping and using the image.

27. Multiple online entities, including Google, YouTube, Facebook, Venmo, LinkedIn, and Twitter, have requested that Clearview cease and desist from scraping images from their platforms. These companies determined that Clearview's scraping was so invasive that it violated their terms of service with their respective users. Therefore, even if a user consents to a website's terms of service, that consent does not extend to Clearview's scraping.



1        28. After scraping the data, Clearview extracts biometric information—the distinct and  
2 immutable physical characteristics of an individual that can be used to later identify that  
3 individual—from the scraped images. A biometric identifier is a piece of biometric information that  
4 Clearview can use to authenticate an individual's identity. Clearview extracts biometric identifiers  
5 based on individuals' faces, such as the position, size, and shape of the eyes, nose, cheekbones, and  
6 jaw.

7        29. Clearview uses artificial intelligence ("AI") technology to analyze the facial  
8 geometry of the faces contained within the scraped images. During the analysis step, Clearview  
9 uses its facial recognition AI's analysis of scraped images to create faceprints, which are digitally  
10 recorded representations of individuals' faces. Clearview uses individuals' biometric data to create  
11 faceprints; faceprints are not accessible or perceptible without Clearview's technology.

12        30. During the recognition step, Clearview uses its facial recognition AI to search,  
13 identify, classify, and index faceprints in its database.

14        31. Clearview created a mobile application that allows its users to have access to  
15 Clearview's database of images. Users may upload a photo, known as a "probe image," to the  
16 mobile application, and Clearview's facial recognition software will match the uploaded photo to  
17 faceprints within the database. It will display the faceprints, as well as links to the web pages from  
18 which Clearview obtained the photographs to capture those faceprints. Those websites often  
19 describe sensitive personal information including address, employment, relationship, and political  
20 opinion information, furthering the privacy harms. Because Clearview has scraped those images,  
21 they are available in Clearview's database even if the image no longer exists on the original  
22 website.

23        32. In addition to scraped images, Clearview retains the probe images the user uploaded  
24 to search its database. By default, Clearview stores the probe images on its servers "forever."

25        33. Clearview maintains a log of all searches ever conducted in its database by anyone.  
26 Clearview also appears to monitor searches clients run on its database. After a reporter asked police  
27 officers to upload a probe image of her into Clearview's database, for example, the company told  
28 the officers that they should not be speaking to the media.

34. Because Clearview extracts biometric information from images, its database contains physical characteristics of individuals. Individuals can change their characteristics only through extreme means like plastic surgery. Therefore, once Clearview enters an individual into its database, that individual permanently loses anonymity and privacy. Indeed, Clearview allows anyone with access to its database to capture a single photo of an individual, and with a few keystrokes, to determine the identity of the person and their personal details in real time—as they shop in the grocery store, attend a political rally, or walk down the street. Clearview has repeatedly touted its ability to provide information about people in “real-time” in patent applications.

35. Facial recognition algorithms have repeatedly been shown to perform poorly when examining the faces of people of color. Consequently, facial recognition technology has a far greater risk of misidentifying people of color. Multiple municipalities, including San Francisco and Oakland, have rejected facial recognition technology for that very reason. For example, a recent study by the National Institute of Standards and Technology (NIST) found that a majority of facial surveillance software exhibits racial bias.<sup>2</sup> According to that study, African American and Asian people are up to 100 times more likely to be misidentified by a facial recognition system than white men, depending on the algorithm and use case.<sup>3</sup> Clearview has refused to participate in NIST’s Facial Recognition Vendor Test Program or any other meaningful, independent review.

#### B. Who Can Access Clearview

36. By February 2020, Clearview had shared its technology with more than 2,200 law enforcement departments, government agencies, and private companies across 27 countries.

37. Of particular concern, the Clearview database allows law enforcement agencies not only to identify people in public spaces, but also to learn those people’s professional roles,

<sup>2</sup> Patrick Grother, Mei Ngan, & Kayee Hanaoka, Nat’l Inst. of Standards and Tech., U.S. Dep’t of Commerce, Face Recognition Vendor Test (FRVT) Part 3: Demographic Effects, NISTIR 8280 (Dec. 2019), <https://nvlpubs.nist.gov/nistpubs/ir/2019/NIST.IR.8280.pdf>.

<sup>3</sup> These “demographic differentials” in error rates are severe enough that in 2019, members of Congress called on the Trump administration to reconsider its plans to expand the use of facial recognition technology. See Drew Harwell, *Federal Study Confirms Racial Bias of Many Facial-Recognition Systems, Casts Doubt on Their Expanding Use*, Washington Post (Dec. 19, 2019), <https://www.washingtonpost.com/technology/2019/12/19/federal-study-confirms-racial-bias-many-facial-recognition-systems-casts-doubt-their-expanding-use/>.



1 religious affiliations, familial connections and friendships, romantic partnerships, personal  
2 activities, political views, patterns of travel, and even home addresses, all without receiving  
3 consent, obtaining a warrant, or providing probable cause to conduct a search.

4 38. Clearview has selectively provided access to its database to its friends and investors.  
5 For example, John Catsimatidis, the billionaire owner of the Gristedes grocery store chain, used the  
6 technology to identify and investigate his daughter's boyfriend.

7 39. Clearview's collection of faceprints also poses an inherent security risk, as this  
8 sensitive information may be subject to hacking and data breaches. Breaches of biometric data are  
9 particularly harmful since, as noted above, biometrics cannot readily be changed. Once someone's  
10 biometric information has been compromised, there is no redress.

11 40. Clearview has a history of data breaches. In February 2020, hackers gained access to  
12 Clearview's client list. Clearview responded to the breach by stating that "data breaches are part of  
13 life in the 21st Century."

14 41. In addition, in early 2020, cybersecurity firm SpiderSilk discovered a misconfigured  
15 server which allowed it to access Clearview's source code, applications, and internal files,  
16 including 70,000 videos taken from one of Clearview's prototype Insight Cameras located in the  
17 lobby of a residential building.

18 42. In response, Clearview's CEO stated that Clearview experiences "a constant stream  
19 of cyber intrusion attempts, and [that Clearview had] been investing heavily in augmenting our  
20 security." This blasé attitude is emblematic of Clearview's response to its significant security  
21 vulnerabilities. On information and belief, Clearview has taken no concrete measures to shore up  
22 its data security, even though the sheer size of its database makes it a tempting target for hackers  
23 and risks exposing people's immutable data and personal information.

## 24 **II. POLICE AND IMMIGRATION ENFORCEMENT AGENCIES USE CLEARVIEW**

25 43. According to Clearview, over 2,400 law enforcement agencies at both the federal  
26 and the state level have used its technology since January 2019.

27 44. Further, one of Clearview's main marketing strategies is to offer free trials to police  
28 agencies. Clearview has promoted free trials to several police agencies across California including



1 Orange County Sheriff's Department, Fresno Police Department, Santa Monica Police Department,  
2 Long Beach Police Department, Los Angeles Police Department, and San Diego Police  
3 Department, and several of these agencies have accepted its offer.

4 45. Clearview's marketing materials tout "unlimited searches" and encourage officers  
5 not to "stop at one search." They also suggest that officers "search a celebrity to see how powerful  
6 the technology can be."

7 46. Clearview also offers its users the ability to map subjects' associational networks.  
8 For example, if a search is run on Person A, the results could include a photograph of Person A  
9 with other people, including Person B. The user can then click on the face of Person B and  
10 immediately run her through the database. In this way, Clearview compromises Plaintiffs'  
11 associational privacy as well.

12 47. In June 2019, ICE began a paid pilot program with Clearview without a formal  
13 contract. The units of the Department of Homeland Security ("DHS") initiating searches included  
14 Customs and Border Patrol ("CBP") and ICE Enforcement and Removal Operations ("ERO").  
15 ERO is the body responsible for the arrest and deportation of noncitizens present in the United  
16 States without status.

17 48. On August 12, 2020, Clearview entered into a purchase order contract in which ICE  
18 agreed to pay \$224,000 for "clearview licenses."

19 49. Plaintiffs' concerns about being targeted and misidentified are not abstract—ICE  
20 has a history of collection of biometric data to use against vulnerable populations. Since 2015, for  
21 example, ICE has performed thousands of faceprint searches on state DMV databases,  
22 unbeknownst to license holders, to identify, locate, and deport individuals. ICE has conducted these  
23 searches in at least three states that allow undocumented immigrants to obtain a license or driver  
24 privilege card. ICE runs these searches without a warrant or any other official approval.

25 50. Plaintiffs' concerns are heightened in light of ICE's history, including its recent role  
26 in family separation, its longstanding practice of detaining people in horrific conditions, and its  
27 pattern of racial and religious profiling. ICE has also systematically surveilled, detained, and  
28 deported immigrant activists who speak out about immigration policies and practices. For example,

1 ICE has targeted Maru Mora-Villalpando, a member of both La Resistencia and Mijente, because  
2 of her “anti-ICE protests.” Ravi Ragbir was arrested, at his ICE check-in meeting, after protests  
3 that ICE characterized as an unwanted “display of wailing kids and wailing clergy.” Daniela  
4 Vargas was arrested as she left a press conference supporting the DACA program. A number of  
5 immigrant rights groups and immigrants have sued ICE for violating their rights to speak,  
6 assemble, and associate under the First Amendment.

7 51. Federal agencies, including DHS and its subsidiaries, also have a history of  
8 conducting intrusive surveillance on protestors associated with the Black Lives Matter movement.  
9 A leaked memorandum shows that the Department of Justice (“DOJ”) authorized the Drug  
10 Enforcement Administration to “conduct covert surveillance” and collect intelligence on people  
11 participating in protests over the police killing of George Floyd. In summer 2020, DHS units  
12 deployed agents to protests associated with the Black Lives Matter movement across the United  
13 States. CBP agents detained protestors, abducting them from the streets of Portland despite a lack  
14 of probable cause. Additionally, in May 2020, CBP deployed a Predator drone over Black Lives  
15 Matter protestors in Minneapolis. The drone “was preparing to provide live video to aid in  
16 situational awareness at the request of our federal law enforcement partners in Minneapolis.”

17 52. Law enforcement has deployed Clearview’s facial recognition technology to  
18 identify and arrest demonstrators exercising their First Amendment rights at a protest in Miami.  
19 Reports indicate that Minnesota law enforcement may have been using Clearview’s facial  
20 recognition technology on protestors, particularly in Minneapolis, which prompted Senator Edward  
21 Markey of Massachusetts to write to Clearview “to take urgent action to prevent the harmful use of  
22 its product.”

23 53. Senator Markey also wrote to former Attorney General William Barr, expressing  
24 concern about the DOJ’s surveillance of Black Lives Matter protesters and potential use of  
25 Clearview as part of that surveillance.<sup>4</sup>

26  
27  
28 <sup>4</sup> Letter from Senator Edward J. Markey to Attorney General William Barr (June 11, 2020),  
<https://www.markey.senate.gov/imo/media/doc/DOJ%20Protest%20Surveillance.pdf>.



1        54. In response to the Black Lives Matter protests in the summer of 2020 and concerns  
2 over law enforcement's misuse of facial recognition technology—and the potential racial bias  
3 inherent in that technology—several companies making facial recognition software, including IBM  
4 and Amazon, decided to pause or halt selling their software to law enforcement. Clearview's CEO  
5 stated that Clearview would continue to sell its technology to law enforcement despite these  
6 concerns.

7        55. Clearview's partnership with ICE poses a grave threat to First Amendment rights  
8 and chills Plaintiffs and others from participating in constitutionally protected activity. ICE can  
9 deploy Clearview throughout California, including Alameda County, where multiple communities  
10 have banned local law enforcement's use of facial recognition technology.

11        56. Clearview allows ICE to conduct arbitrary digital searches of Plaintiffs, their  
12 members, and other California residents, instantly accessing their faceprints without privacy  
13 safeguards, warrants, or a showing of reasonableness. Given ICE's record of conducting intrusive  
14 surveillance on immigrant communities and protestors, Plaintiffs fear that ICE will use Clearview's  
15 faceprint database to surveil and target their communities, exacerbating their injury.

16        57. Plaintiffs also fear that the potential racial bias inherent in the technology will  
17 increase the risk of misidentification by ICE and police officers.

### 18 **III. CLEARVIEW VIOLATES PLAINTIFFS' RIGHTS**

19        58. On information and belief, Clearview has scraped (and continues to scrape) images  
20 of Plaintiffs Renderos, Suárez, Knox, and Maldonado from websites, extracted the biometric data  
21 from the individual Plaintiffs' images, calculated their unique physical characteristics, and  
22 generated a faceprint biometric template therefrom enabling the identification of Plaintiffs, in direct  
23 violation of the laws identified in this Complaint, and without notice to, or permission from,  
24 Plaintiffs.

25        59. Clearview sells access to its database containing the individual Plaintiffs' images  
26 and faceprints to third-party entities for commercial monetary gain. Clearview does so without  
27 permission or notice.

28



1           60. Plaintiffs Mijente and NorCal Resist's members, like millions of other California  
2 residents, have uploaded numerous photos of themselves to social media sites and other websites.  
3 Others have uploaded photos of them as well. Upon information and belief, Clearview has captured  
4 the faceprints of members of Plaintiffs NorCal Resist and Mijente from photographs online. The  
5 sheer volume of online photographs Clearview scrapes to capture faceprints for its database makes  
6 it a near certainty that anyone whose photographs are posted to publicly accessible portions of the  
7 internet will have been subjected to surreptitious and nonconsensual faceprinting by Clearview.

8           61. For example, Confidential Member 1 is a resident of Alameda County and an active  
9 member of NorCal Resist. Confidential Member 1 regularly engages in speech that is critical of  
10 both police and ICE by participating in demonstrations. At those events, because of concerns for  
11 his security and fear of surveillance, he often wears a mask. Confidential Member 1 is active on  
12 Facebook, where he has a private account (but a publicly accessible profile page on which his  
13 photo sometimes appears). He shares commentary there, also, that could be viewed as critical of  
14 law enforcement. On information and belief, Clearview has captured his images, extracted his  
15 biometric information, and converted them into faceprints for Clearview's faceprint database.  
16 Confidential Member 1 has never given Clearview consent to do so. Learning that he is in the  
17 database where he can be identified has caused him to suffer mental anguish.

18           62. Similarly, Confidential Member 2 is a resident of Alameda County and an active  
19 member of Mijente. Confidential Member 2 regularly criticizes ICE and police practices, and  
20 engages in numerous organizing efforts around the Bay Area to promote immigrant rights.  
21 Confidential Member 2 is active on Facebook and Twitter, and frequently posts content critical of  
22 immigration enforcement policies. His Facebook account is private, and he removed his name and  
23 face image from Twitter in early 2021 because of concerns about his privacy and potential use of  
24 his images without his consent. On information and belief, Clearview has captured his images,  
25 extracted his biometric information, and converted them into faceprints for Clearview's faceprint  
26 database. Confidential Member 2 has never given Clearview consent to do so. Learning that he is in  
27 the database where he can be identified has caused him to suffer mental anguish.

28

1           63. Through its unauthorized access, use, and sale of Plaintiffs' photographs and  
2 biometric data, Clearview infringes on Plaintiffs' interests in data security and ownership and  
3 control of their identities, likenesses, personal data, and biometric identifiers.

4           64. Furthermore, because Clearview sells its faceprint database to hundreds of law  
5 enforcement entities, Plaintiffs have suffered injury to their peace of mind arising from their fear  
6 that they will be retaliated against for their constitutionally protected views regarding policing and  
7 immigration. They fear surveillance of their immigrant and people of color communities, and they  
8 fear being targeted for arrest and deportation.

9           65. Plaintiffs Suárez, Knox, Maldonado, and Renderos, as well as members of Plaintiffs  
10 NorCal Resist and Mijente, have suffered multiple injuries as a result of Clearview's actions,  
11 including, without limitation, that: (1) Plaintiffs have expended resources in an attempt to  
12 understand the extent of Clearview's collection of their personal information; (2) Plaintiffs have  
13 suffered loss and diminution of their property rights in their own identities, images, likenesses, and  
14 biometric data; and (3) Plaintiffs have suffered mental anguish as a result of the invasion of their  
15 privacy and worry that they and their communities will be targeted for their political speech or  
16 immigration status and misidentified by Clearview's system.

17           66. There is also a substantial likelihood that Clearview will capture individual  
18 Plaintiffs' and organizational Plaintiffs' members' faceprints in the future. The sheer volume of  
19 photos ingested by Clearview's technology on an ongoing basis creates a substantial likelihood that  
20 any photos newly uploaded to publicly available websites will be obtained by Clearview and used  
21 to capture faceprints.

22           67. Each day that Clearview is allowed to continue its illegal activities, Plaintiffs suffer  
23 immediate and irreparable injuries, including chilling of their core First Amendment rights of  
24 association and to engage in political speech, injuries to their rights to privacy, injuries to their  
25 property rights in their own likenesses and biometric information, and injuries to their peace of  
26 mind and wellbeing.



68. Defendants are guilty of recklessness, oppression, fraud, or malice. Defendants' conduct was intended to cause injury to Plaintiffs, and carried out with a willful and conscious disregard of Plaintiffs' rights.

#### FIRST CAUSE OF ACTION

##### Common Law Appropriation of Likeness

69. Plaintiffs incorporate all preceding paragraphs as though set forth herein.

70. Under California common law, the right against appropriation of likeness has four elements: "(1) the defendant's use of the plaintiff's identity; (2) the appropriation of plaintiff's name or likeness to defendant's advantage, commercially or otherwise; (3) lack of consent; and (4) resulting injury." *Eastwood v. Superior Court*, 149 Cal. App. 3d 409, 418 (1983).

71. Without providing notice to or obtaining consent from Plaintiffs and Plaintiffs' members, Clearview knowingly and surreptitiously collected Plaintiffs' and Plaintiffs' members' names, photographs, biometric information, and other identifiers (which constitute Plaintiffs' and Plaintiffs' members' "identities") by scraping images from websites in violation of many of the websites' policies prohibiting such conduct.

72. Without notice to or consent from Plaintiffs and Plaintiffs' members, Clearview used their names, photographs, biometric information, and other identifiers to its advantage by copying them, saving them, and selling access to them to private and government entities worldwide.

73. As a direct and proximate result of Clearview's conduct, Clearview has caused Plaintiffs economic injury and mental anguish. By appropriating Plaintiffs' and Plaintiffs' members' identities without consent, Clearview has deprived them of the opportunity to profit by licensing such use. Clearview's nonconsensual and knowing use of Plaintiffs' and Plaintiffs' members' identities for the purpose of commercial profit exposed Plaintiffs to secondary harms related to the sale of Plaintiffs' information to third parties, including law enforcement entities, that chills Plaintiffs' speech. Defendant's sale of Plaintiffs' converted identities has caused Plaintiffs to experience anxiety related to the threat of surveillance by third-party entities, such as ICE.

1       74. Defendant's conduct has directly and proximately caused loss to Plaintiffs in an  
 2 amount to be proven at trial. Plaintiffs also seek injunctive and equitable relief as is necessary to  
 3 protect themselves and other California residents by requiring Clearview to comply with the  
 4 common-law requirements for the nonconsensual appropriation of Plaintiffs' identities to  
 5 Defendant's advantage.

6                                   **SECOND CAUSE OF ACTION**  
 7                                   **California Constitution art. 1, § 1**

8       75. Plaintiffs incorporate all preceding paragraphs as though set forth herein.

9       76. Under the California Constitution, art. 1, § 1, "[a]ll people" have certain "inalienable  
 10 rights," including the right to "pursu[e] and obtain[] . . . privacy." This provision creates a right  
 11 against private as well as government entities. The elements of this right of action are: (1) a legally  
 12 protected interest in either "informational privacy" or "autonomy privacy"; (2) a reasonable  
 13 expectation of privacy; and (3) a serious invasion of the privacy interest.

14       77. Plaintiffs and Plaintiffs' members have legally protected interests in preventing  
 15 unwanted access to their data by electronic or other covert means in violation of the law or social  
 16 norms, in conducting personal activities without observation, and in advance notice and the  
 17 opportunity to provide or withhold consent to such intrusions. These are all legally protected  
 18 interests in informational privacy.

19       78. Plaintiffs and Plaintiffs' members also have legally protected interests in their  
 20 associational privacy, which is a component of both informational and autonomy privacy.

21       79. Plaintiffs and Plaintiffs' members have a reasonable expectation of privacy in their  
 22 names, photographs, biometric information, and other identifiers, because the websites from which  
 23 Clearview scrapes such information prohibit such conduct in their terms of service. Plaintiffs and  
 24 Plaintiffs' members also have a reasonable expectation of privacy in their biometric information  
 25 because it can be used to identify them based on their unique and immutable physical and  
 26 biological characteristics.

27       80. Clearview's invasion of Plaintiffs' and Plaintiffs' members' privacy is serious and  
 28 highly offensive for three reasons: first, because Clearview's conduct is surreptitious, in violation



1 of websites' terms of service, and in violation of numerous cease-and-desist letters from such  
 2 websites; second, because Clearview extracts biometric information from Plaintiffs' immutable  
 3 physical characteristics, such that once Clearview enters an individual into its database, that  
 4 individual permanently loses anonymity and privacy; and third, because it places Plaintiffs' and  
 5 Plaintiffs' members lives and livelihood in danger, both from being misidentified to law-  
 6 enforcement and immigration agencies and from being correctly identified and targeted for  
 7 retaliation for their public political stances.

### 8 THIRD CAUSE OF ACTION

9 Business & Professions Code §§ 17200, et seq.

10 81. Individual Plaintiffs incorporate all preceding paragraphs as though set forth herein.

11 82. The Unfair Competition Law ("UCL") prohibits, *inter alia*, any unlawful or unfair  
 12 business practice. Clearview's conduct is both unlawful and unfair because it violates California  
 13 Constitution art. 1, § 1, California Penal Code § 502, California's common-law right against  
 14 appropriation of likeness, and the terms of use of the various websites where Clearview scraped the  
 15 data.

16 83. Individual Plaintiffs lost money or property as a result of Clearview's wrongful  
 17 conduct. California law recognizes that individuals have a property right in their identity, image,  
 18 biometric information and likeness, both by statute, Civ. Code §§ 3344, 3344.1, and through its  
 19 common law appropriation-of-likeness tort. Clearview's use of Individual Plaintiffs' likenesses is a  
 20 primary factor in private and government entities' purchases of Clearview's services. Without the  
 21 likenesses of Individual Plaintiffs and others, Clearview would have no service to sell. By  
 22 appropriating Individual Plaintiffs' likenesses without consent, Clearview has deprived them of the  
 23 opportunity to profit by licensing such use. Additionally, Individual Plaintiffs have expended  
 24 resources in understanding the extent of Clearview's misappropriation of their identities, images,  
 25 likenesses, and biometric data.

### 26 PRAYER FOR RELIEF

27 WHEREFORE, Plaintiffs respectfully pray for the following:


28 A. Injunctive relief;

- B. Compensatory damages;
- C. Exemplary damages;
- D. An award of attorney's fees and costs; and
- E. Any other relief as equity and justice may require.

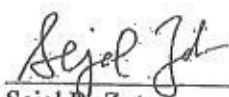
Dated: March 9, 2021

Respectfully submitted,

BRAUNHAGEY & BORDEN LLP

  
Ellen V. Leonida

JUST FUTURES LAW

  
Sejal R. Zota

Attorneys for Plaintiffs Steven Renderos,  
Valeria Thais Suárez Rojas, Reyna Maldonado,  
Lisa Knox, Mijente Support Committee, and  
Norcal Resist Fund



DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a jury trial of all claims and causes of action triable before a jury.

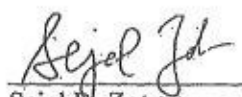
Dated: March 9, 2021

Respectfully submitted,

BRAUNHAGEY & BORDEN LLP

  
Ellen V. Leonida

JUST FUTURES LAW

  
Sejal R. Zota

Attorneys for Plaintiffs Steven Renderos,  
Valeria Thais Suárez Rojas, Reyna Maldonado,  
Lisa Knox, Mijente Support Committee, and  
Norcal Resist Fund



## Superior Court of California, County of Alameda Alternative Dispute Resolution (ADR) Information Packet

The person who files a civil lawsuit (plaintiff) must include the ADR Information Packet with the complaint when serving the defendant. Cross complainants must serve the ADR Information Packet on any new parties named to the action.

The Court *strongly encourages* the parties to use some form of ADR before proceeding to trial. You may choose ADR by:

- Indicating your preference on Case Management Form CM-110;
- Filing the Stipulation to ADR and Delay Initial Case Management Conference for 90 Days (a local form included with the information packet); or
- Agree to ADR at your Initial Case Management Conference.

**QUESTIONS?** Call (510) 891-6055. Email [adrprogram@alameda.courts.ca.gov](mailto:adrprogram@alameda.courts.ca.gov)  
Or visit the court's website at <http://www.alameda.courts.ca.gov/adr>

### What Are The Advantages Of Using ADR?

- *Faster* – Litigation can take years to complete but ADR usually takes weeks or months.
- *Cheaper* – Parties can save on attorneys' fees and litigation costs.
- *More control and flexibility* – Parties choose the ADR process appropriate for their case.
- *Cooperative and less stressful* – In mediation, parties cooperate to find a mutually agreeable resolution.
- *Preserve Relationships* – A mediator can help you effectively communicate your interests and point of view to the other side. This is an important benefit when you want to preserve a relationship.

### What Is The Disadvantage Of Using ADR?

- *You may go to court anyway* – If you cannot resolve your dispute using ADR, you may still have to spend time and money resolving your lawsuit through the courts.

### What ADR Options Are Available?

- *Mediation* – A neutral person (mediator) helps the parties communicate, clarify facts, identify legal issues, explore settlement options, and agree on a solution that is acceptable to all sides.
  - **Court Mediation Program:** Mediators do not charge fees for the first two hours of mediation. If parties need more time, they must pay the mediator's regular fees.



Some mediators ask for a deposit before mediation starts which is subject to a refund for unused time.

- **Private Mediation:** This is mediation where the parties pay the mediator's regular fees and may choose a mediator outside the court's panel.
- **Arbitration** – A neutral person (arbitrator) hears arguments and evidence from each side and then decides the outcome of the dispute. Arbitration is less formal than a trial and the rules of evidence are often relaxed. Arbitration is effective when the parties want someone other than themselves to decide the outcome.
  - **Judicial Arbitration Program (non-binding):** The judge can refer a case or the parties can agree to use judicial arbitration. The parties select an arbitrator from a list provided by the court. If the parties cannot agree on an arbitrator, one will be assigned by the court. There is no fee for the arbitrator. The arbitrator must send the decision (award of the arbitrator) to the court. The parties have the right to reject the award and proceed to trial.
  - **Private Arbitration (binding and non-binding)** occurs when parties involved in a dispute either agree or are contractually obligated. This option takes place outside of the courts and is normally binding meaning the arbitrator's decision is final.

#### **Mediation Service Programs In Alameda County**

Low cost mediation services are available through non-profit community organizations. Trained volunteer mediators provide these services. Contact the following organizations for more information:

##### **SEEDS Community Resolution Center**

1968 San Pablo Avenue, Berkeley, CA 94702-1612

Telephone: (510) 548-2377 Website: [www.seedscrc.org](http://www.seedscrc.org)

Their mission is to provide mediation, facilitation, training and education programs in our diverse communities – Services that Encourage Effective Dialogue and Solution-making.

##### **Center for Community Dispute Settlement**

291 McLeod Street, Livermore, CA 94550

Telephone: (925) 373-1035 Website: [www.trivalleymediation.com](http://www.trivalleymediation.com)

CCDS provides services in the Tri-Valley area for all of Alameda County.

##### ***For Victim/Offender Restorative Justice Services***

##### **Catholic Charities of the East Bay: Oakland**

433 Jefferson Street, Oakland, CA 94607

Telephone: (510) 768-3100 Website: [www.cceb.org](http://www.cceb.org)

Mediation sessions involve the youth, victim, and family members work toward a mutually agreeable restitution agreement.

ALA ADR-001

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address)  TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY           CASE NUMBER: _____
SUPERIOR COURT OF CALIFORNIA, ALAMEDA COUNTY  STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PLAINTIFF/PETITIONER: _____ DEFENDANT/RESPONDENT: _____	
<b>STIPULATION TO ATTEND ALTERNATIVE DISPUTE RESOLUTION (ADR) AND DELAY INITIAL CASE MANAGEMENT CONFERENCE FOR 90 DAYS</b>	

**INSTRUCTIONS:** All applicable boxes must be checked, and the specified information must be provided.

This stipulation is effective when:

- All parties have signed and filed this stipulation with the Case Management Conference Statement at least 15 days before the initial case management conference.
- A copy of this stipulation has been received by the ADR Program Administrator, 1225 Fallon Street, Oakland, CA 94612.

1. Date complaint filed: \_\_\_\_\_ An Initial Case Management Conference is scheduled for:

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Department: \_\_\_\_\_

2. Counsel and all parties certify they have met and conferred and have selected the following ADR process (check one):

- ☐ Court mediation      ☐ Judicial arbitration  
☐ Private mediation      ☐ Private arbitration

3. All parties agree to complete ADR within 90 days and certify that:

- No party to the case has requested a complex civil litigation determination hearing;
- All parties have been served and intend to submit to the jurisdiction of the court;
- All parties have agreed to a specific plan for sufficient discovery to make the ADR process meaningful;
- Copies of this stipulation and self-addressed stamped envelopes are provided for returning endorsed filed stamped copies to counsel and all parties;
- Case management statements are submitted with this stipulation;
- All parties will attend ADR conferences; and,
- The court will not allow more than 90 days to complete ADR.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
 (TYPE OR PRINT NAME)      (SIGNATURE OF PLAINTIFF)

Date: \_\_\_\_\_

\_\_\_\_\_  
 (TYPE OR PRINT NAME)      (SIGNATURE OF ATTORNEY FOR PLAINTIFF)



ALA ADR-001

PLAINTIFF/PETITIONER:

CASE NUMBER.:

DEFENDANT/RESPONDENT:

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF DEFENDANT)

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF ATTORNEY FOR DEFENDANT)